

of domestic privacy. That if flattery be the only music to his ear, or the only balm to his heart; if he sickened when it was withheld, or turned pale when denied him; or if power, like the dagger of Macbeth, should invite his willing imagination to grasp it, the indignation of the people ought immediately to mark him, and hurl him from their councils and their confidence forever. That if this absolute freedom of inquiry may be, in any manner, abridged, or impaired by those who administer the government, the nature of it will be instantly changed from a federal union of representative democracies, in which the people of the several States are the sovereign, and the administrators of the government, their agents, to a consolidated oligarchy, aristocracy, or monarchy, according to the prevailing caprice of the constituted authorities, or of those who may usurp them. That where absolute freedom of discussion is prohibited, or restrained, responsibility vanishes. That any attempt to prohibit, or restrain that freedom, may well be construed to proceed from conscious guilt. That the people of America have always manifested a most jealous sensibility on the subject of this inestimable right, and have ever regarded it as a fundamental principle in their government, and carefully engrafted in the Constitution. That this sentiment was generated in the American mind by an abhorrence of the maxims and principles of that government which they had shaken off, and a detestation of the abominable persecutions, and extrajudicial dogmas, of the still odious court of star-chamber; whose tyrannical proceedings and persecutions, among other motives of the like nature, prompted and impelled our ancestors to fly from the pestilential government of their native country, to seek an asylum here; where they might enjoy, and their posterity establish, and transmit to all future generations, freedom, unshackled, unlimited, undefined. That in our time we have vindicated, fought for, and established that freedom by our arms, and made it the solid and immovable basis and foundation both of the State and Federal Government. That nothing could more clearly evince the inestimable value that the American people have set upon the liberty of the press, than their uniting it in the same sentence, and even in the same member of a sentence, with the rights of conscience and the freedom of speech. And since Congress are equally prohibited from making any law abridging the freedom of speech, or of the press, they boldly challenged their adversaries to point out the constitutional distinction, between those two modes of disunion, or inquiry. If the unrestrained freedom of the press, said they, be not guaranteed by the Constitution, neither is that of speech. If on the contrary the unrestrained freedom of speech is guaranteed, so also, is that of the press. If then the

genius of our Federal Constitution has vested the people of the United States, not only with a censorial power, but even with the sovereignty itself; if magistrates are, indeed, their agents; if they are responsible for their acts of agency; if the people may not only censure whom they disapprove, but reject whom they may find unworthy; if approbation or censure, election or rejection, ought to be the result of inquiry, scrutiny, and mature deliberation; why, said they, is the exercise of this censorial power, this sovereign right, this necessary inquiry, and scrutiny to be confined to freedom of speech? Is it because this mode of discussion better answers the purposes of the censorial power? Surely not. The best speech cannot be heard by any great number of persons. The best speech may be misunderstood, misrepresented, and imperfectly remembered by those who are present. To all the rest of mankind, it is as if it had never been. The best speech must also be short for the investigation of any subject of an intricate nature, or even a plain one, if it be of more than ordinary length. The best speech then must be altogether inadequate to the due exercise of the censorial power, by the people. The only adequate supplementary aid for these defects, is the absolute freedom of the press. A freedom unlimited as the human mind; viewing all things, penetrating the recesses of the human heart, unfolding the motives of human actions, and estimating all things by one invaluable standard, truth, applauding all who deserve well; censuring the undeserving; and condemning the unworthy, according to the measure of their demerits."

That was the argument that was used by the people who opposed the alien and sedition laws which brought forth the Virginia and Kentucky resolutions, and brought the people of the United States at that early period of their history, to scrutinize and examine the true foundation of the Federal Government, and the relations which that government bore to the States, the people of which had given it existence and birth; and which brought about a revolution that swept from power those that passed and sustained the alien and sedition laws and erected upon their foundation the great party of Jefferson, the Democratic party, that from that time to within a few years, with a few exceptions, has conducted the government in all its departments, with an unexampled degree of success.

I have chosen in submitting this amendment, to rest its defence upon the articles of the Constitution of twenty-two States to which I have referred, which have deemed it important to adopt such a provision; and that defence of the right of freedom of speech and of the press, which is contained in the passages I have read from Tucker's Blackstone. And I shall conclude with quoting